

REMARKS

Claims 1-5 and 7-29 are pending in the present application. By this reply, new claims 23-29 have been added. Claims 1, 9, 12, 17, 28 and 29 are independent.

The claims have been amended to clarify the invention and to correct minor informalities according to U.S. practice. These modifications do not involve new matter.

35 U.S.C. § 103 Rejection

Claims 1-5, 7-16 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldschmidt (U.S. Patent No. 6,594,825) in view of Haraguchi et al. (U.S. Patent No. 5,721,803). Claims 17-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goldschmidt and Haraguchi in further view of Schneidewend et al. (U.S. Patent No. 6,182,287). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Applicant's invention relates to an apparatus and method for receiving a broadcasting program which is capable of quickly displaying a normal broadcasting program identical to a broadcasting program of a channel selected by a user when the broadcasting program of the channel selected by the user is abnormal during displaying of the broadcasting program of the channel selected by the user, by automatically searching a broadcasting program identical to a received broadcasting program from a plurality of different multiplex broadcasting media when a broadcasting signal of the received broadcasting program is abnormal during displaying of the received broadcasting program and outputting the searched identical broadcasting program.

Thus, the user can continuously watch the normal broadcasting program by automatically and quickly outputting a normal broadcasting program identical to the broadcasting program of the channel selected by the user without a request of the user.

Regarding independent claim 1, the Examiner correctly acknowledges in the last Office Action that Goldschmidt does not teach or suggest the feature of searching programs wherein the program of the channel selected by the user and the program being searched for are identical programs of an identical version. Other independent claims recite similar features in a varying scope. To overcome these deficiencies of Goldschmidt, the Examiner further relies on

Haraguchi. The Examiner states that "it would have been obvious to one of ordinary skill in the art ... to modify Goldschmidt's system with Haraguchi's detailed technique as disclosed in order to search for identical programs of identical version. The motivation for doing this is to identify and quickly locate identical programs with identical version in order to provide the user a quick response on user's request..." -- see page 4 of the last Office Action. Applicant respectfully disagrees with the Examiner's assertions.

First, the Office Action is not clear as what is meant by the Examiner's statement: "modifying Goldschmidt's system with Haraguchi's detailed technique." As best understood, the Office Action seems to suggest that it would have been obvious to replace Goldschmidt's searching with Haraguchi's searching in Goldschmidt's system. However, clearly such replacement is not obvious to one skilled in the art.

Goldschmidt is directed to searching for different versions of an entertainment program at a viewer's (user's) device (e.g., a TV) from the EPG information stored in the user's device and selecting one of the alternative versions of the entertainment program based on the user's preferences at the user's device. In clear contrast, Haraguchi is directed to searching for one particular program (e.g., a certain movie requested by a subscriber/user) at a VOD (Video On Demand) device (e.g., a VOD server at the transmitting side). Once the VOD device finds the requested movie, its computer 14 delivers the movie to the subscriber at the subscriber's device 11-1 through a transmission path 110-1 as shown in FIG. 1 of Haraguchi. Thus, the searching in Haraguchi has vastly different characteristics and is patentably distinct from the searching in Goldschmidt. For instance, the searching in Goldschmidt is performed in the user's device at the receiving side, whereas Haraguchi's searching is performed in the VOD device at the transmitting side. Further, Goldschmidt searches for alternative versions of a program whereas Goldschmidt searches for a program. Accordingly, one skilled in the art would NOT find it obvious to replace the searching in Goldschmidt's system with Haraguchi's searching operation.

Furthermore, if the searching in Haraguchi were to replace the searching in Goldschmidt's system, the modification would destroy the intended purpose of Goldschmidt, which is to obtain alternative versions of an entertainment program at the viewer's side. The Examiner's stated motivation for the modification is at best a speculation since it is neither

taught nor suggested in either Goldschmidt or Haraguchi. Thus, such modification would NOT be obvious to a skilled person in the art.

Moreover, in Haraguchi, there is no searching of a program that is identical to the *received (or transmitted) broadcasting program*, as in recited in some independent claims. The searching in Haraguchi's VOD device is triggered in response to the subscriber's request for a particular program. In other words, Haraguchi's VOD device only receives a request for a particular program, and not the requested program itself.

In addition, in Haraguchi, versions of a program are not involved. That is, there is no "wherein the received broadcast program and the outputted broadcast program are identical programs of an identical version" as recited in claim 1 and similarly recited in other claims. Haraguchi's VOD device selects a program (e.g., a movie) that is requested by the subscriber and transmits the requested program to the subscriber's device for viewing. But the transmitted program is not necessarily of an identical version to the requested program. For instance, if the subscriber requests a movie entitled "Superman" through the VOD system, then the subscriber will receive this movie as stored in the VOD databases, regardless of what version it is. The received movie itself can include therein alternative versions thereof. Thus, Haraguchi does not overcome the deficiencies of Goldschmidt.

Schneidewend et al. does not overcome at least the above-noted deficiencies in the Goldschmidt-Haraguchi combination since Schneidewend et al. is merely relied on for teaching a demultiplexer and a decoding unit.

Accordingly, there is no proper motivation to combine the references as suggested by the Examiner to render the claimed invention obvious, and a *prima facie* case of obviousness has not established as required by law. Independent claims 1, 9, 12 and 17 and their dependent claims (due to their dependency) are thus patentable over the applied references, and reconsideration and withdrawal of the rejections based on these reasons are respectfully requested.

New Claims

New Claims 23-27 depend from independent claims 1, 9, 12 and 17 and are thus allowable at least for the same reasons that their base claims are allowable as discussed above. In

the alternative, these dependent claims recite additional distinguishing features of the present invention.

Also, the references cited by the Examiner do not teach or suggest the features of automatically searching a broadcasting program identical to a broadcasting program of a channel selected by a user from a plurality of different multiplex broadcasting media when a broadcasting signal of the broadcasting program of the channel selected by the user is abnormal during displaying of the received broadcasting program, as recited in new claim 28.

Furthermore, the references cited by the Examiner do not teach or suggest the features of searching a broadcasting program identical to a received broadcasting program of a channel selected by a user from a plurality of different multiplex broadcasting media by comparing a source ID of the received broadcasting program of the channel selected by the user with a source ID of a broadcasting program received from the plurality of different multiplex broadcasting media, as recited in new claim 29.

Thus these new claims are believed to be allowable over the prior art of record.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

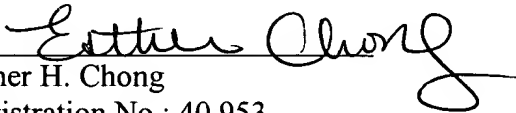
Application No. 09/973,773
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If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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